

December 04, 2024  
 LAURA A. AUSTIN, CLERK

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE WESTERN DISTRICT OF VIRGINIA  
 ROANOKE DIVISION**

BY: /s/T. Taylor  
 DEPUTY CLERK

<b>JOSHUA STACY,</b>	)	
	)	
Plaintiff,	)	Case No. 7:24CV00812
	)	
v.	)	<b>OPINION</b>
	)	
<b>TYLER STACY, ET AL.,</b>	)	JUDGE JAMES P. JONES
	)	
Defendants.	)	
	)	
	)	

The plaintiff, Joshua Stacy, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that the named jail officials, in three different encounters, caused him to perform actions without his consent, in violation of his constitutional rights. On November 21, 2024, the court entered an Order conditionally filing the case and warning Stacy that failure to keep the Court informed of his current mailing address would result in dismissal of the case without prejudice. The court mailed Stacy a copy of that Order to the address he had provided on the Complaint. But on December 3, 2024, that mailing was returned to the court marked as undeliverable, with no ability to forward the mailing. It is self-evident that the court must have a viable address by which to communicate reliably with Stacy about this case.

Based on Stacy's failure to provide the court with a current and usable mailing address, I conclude that he is no longer interested in pursuing this civil action. Therefore, I will dismiss the action without prejudice for failure to prosecute. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

An appropriate Order will issue herewith.

DATED: December 4, 2024

/s/ JAMES P. JONES  
Senior United States District Judge